



Republic of Korea (South Korea). Generally, as Legal Counsel of the International Legal team with KC, my duties include managing North American product liability litigation.

4. I have personal knowledge of the systems and processes KC follows in its regular business practices regarding vehicle design and development and the form and retention of design and development information. Because of my position at KC, I am authorized to search for and access such retained design and development information, if any.

5. I am familiar with the allegations asserted by Plaintiff in this lawsuit and understand Plaintiff's requests associated with side structure computer models for the 2014-2018 and 2019-2024 Kia Forte model runs. The vehicle at issue in this case is a 2016 Kia Forte, VIN KNAFX4A67G5608348 (referred to as the "Subject Vehicle") which is part of the 2014-2018 Kia Forte model run. Plaintiff brings defect claims against KC related to the occupant cabin structure/side structure of the Subject Vehicle.

6. KC either conducts its computer modeling in-house or through its related entities and/or with other third parties. If the computer modeling or analysis of computer modeling is done through third parties, all related materials are returned or destroyed in accordance with a confidentiality agreement at the completion of their services. Third parties that conduct computer modeling for KC are prohibited from sending any such computer modeling to any entity other than KC. Any third party who performs computer modeling or analysis are subject to a security team inspection to ensure all the computer modeling has been timely deleted.

7. The computer models for both the 2014-2018 and 2019-2024 Kia Forte model runs were created by HMIE. HMIE is an entity separate from but related to KC. Once the models were generated by HMIE, HMIE sent the models to KC. KC used ESI Korea to conduct analysis on the computer modeling for the side structure of both the 2014-2018 Kia Forte and the 2019-2024 Kia Forte. ESI Korea is a third party, unaffiliated with KC. ESI Korea ran the results of the computer modeling and sent those results back to KC. Regarding the transmission of side structure computer modeling and input data/files for the 2014-2018 and 2019-2024 Kia Forte model runs, confidentiality agreements were in place between ESI Korea and KC. Under the confidentiality agreements, ESI Korea was required to return or destroy all side structure computer modeling it generated or analyzed for the 2014-2018 Kia Forte and the 2019-2024 Kia Forte to KC once the development periods were over. Because of the amount of space taken up by computer modeling, the actual computer models and analysis are not maintained on KC's internal system. Instead, when maintained, KC will retain the underlying data used to create the models and analysis as input files in KC's internal system.

8. I have searched KC's internal system and have confirmed that KC no longer maintains any side structure computer modeling, including input data or files, for the 2014-2018 Kia Forte. Additionally, Kuen Bae Lee, Part Leader of KC's Safety Performance CAE Team, spoke to Kim Beom-Jin, Senior Researcher, Virtual Vehicle Development Department of HMIE and has confirmed that HMIE no longer has side structure computer models, including input files,



for the 2014-2018 Kia Forte in their records, and that HMIE did not share any such information with any party besides KC. I have confirmed with Corinne Romefort-Régnier, CEO of ESI Korea, that, pursuant to the confidentiality agreement, ESI Korea returned or destroyed all side structure computer modeling, including input data/files, for the 2014-2018 Kia Forte, and ESI Korea did not transfer any such side structure computer modeling to any other party. I have further confirmed that KC did not share any side structure computer modeling for the 2014-2018 Kia Forte with any other related entities or third parties. KC's security team has further verified that no related Kia entities have side structure computer models for the 2014-2018 Kia Forte in their records.

9. I have searched KC's internal system and have located input files for side structure computer models that are associated with various side impact crash scenarios for the 2019-2024 Kia Forte. Pursuant to the Court's order, KC is producing copies of all input files as they are maintained in the ordinary course of business by KC. Pursuant to the confidentiality agreement with KC, I have further confirmed with Corinne Romefort-Régnier that ESI Korea returned or destroyed all side structure computer modeling, including input data/files, for the 2019-2024 Kia Forte and that ESI Korea did not transfer any such side structure computer modeling to any other parties. Kim Beom-Jin of HMIE has advised KC that HMIE is in possession of input files for the 2019-2024 Kia Forte. KC expects that the contents of these input files will differ from the input files maintained on KC's internal system (and being produced simultaneously with this declaration) as the input files in HMIE's possession would be for the 2019-2024 Kia Forte side structure computer modeling that was initially created by HMIE for KC (prior to any analysis being conducted on the modeling). KC has requested HMIE provide the input files it maintains for side structure computer modeling for the 2019-2024 Kia Forte, and KC will produce such information to Plaintiff upon receipt.

10. Besides the related entities and third parties identified above, I have confirmed with Kuen Bae Lee, Part Leader of KC's Safety Performance CAE Team, that KC did not share any side structure computer modeling for the 2014-2018 Kia Forte or the 2019-2024 Kia Forte with any other related entities or third parties.

11. Additionally, pursuant to the September 4, 2024 Order (Docket No. 54), KC is also reproducing new versions of KC's previously produced documents without any password protections or locks. As will be explained below, thirteen documents that were previously produced in portable document format ("PDF") are being reproduced in non-PDF formats. Those thirteen non-PDF files are being produced in the same file format that KC maintains them in the ordinary course of business.

12. KC retains most final version design, development, and testing materials for its products in PDF or as video files. While KC materials are generated created using various types of software, most information (but not all, as explained below) is converted from its native version into a PDF upon finalization of the document or when the final version is uploaded to the internal site by the design team. KC converts and maintains such information to prevent modifications and

changes to the final versions, ensuring the integrity and authenticity of the documents, and to be able to maintain the information in KC's internal system.

13. There is certain information that is generated and/or created on software that is not commercially available to the public at large and specifically licensed to KC. This type of software generates information in formats not typically in readable text software and not viewable without the commercially licensed software. Therefore, in order to be able to export the information out of such software so that KC can maintain the information on its internal system, KC converts the information into a readable software format such as. xlsx (Excel), .pptx (PowerPoint), .jpg (JPEG Image), etc. The readable software format chosen for conversion is dependent on the type of information that is being exported. Occasionally, as the information has already been converted while being exported from the licensed, non-readable text software into KC's internal system, it is not converted again (*i.e.*, it is left as the Excel or PowerPoint format or a similar readable format and not converted a second time into a PDF). For reference, information originally created on commercially available software that generates readable text, such as Excel, PowerPoint, or other Microsoft software, is usually only converted once (from the readable text software to a PDF).

14. On review of the design, development, and testing materials produced (or being reproduced pursuant to the Court's September 4, 2024 Order (Docket No. 54)) in this litigation, most of the documents are maintained by KC in KC's internal system as PDF or video files (approximately over 4,000 pages of information in PDF format and over 100 video files). However, on further review of KC's internal system for design, development, and testing information as related to the side structure of the 2014-2018 Kia Forte model run and the 2019-2024 Kia Forte model run, there are thirteen documents that were not originally maintained by KC as PDF or video files that have been produced in this litigation. The following documents are being reproduced in the original file format that is maintained in KC's internal system in the ordinary course of business:

	<b>Document Description</b>	<b>Applicable Model run</b>	<b>Format(s) Maintained</b>	<b>Bates Numbers</b>
1	IIHS Test	2014 - 2018	Excel, JPEG	KC001194 – KC001428
2	IIHS Test	2014 - 2018	Excel, JPEG	KC001429 – KC001812
3	IIHS Test	2014 - 2018	Excel, JPEG	KC001813 – KC001895
4	IIHS Test	2014 - 2018	PowerPoint	KC002248 – KC002256
5	IIHS Results	2014 - 2018	PowerPoint	KC002257- KC002268
6	Layout Drawing	2014-2018	Power Point	KC002269- KC002270
7	FMVSS 207 Compliance Test	2014 - 2018	JPEG	KC002451 – KC002543



8	NCAP Test	2019 - 2024	JPEG	KC002902 – KC003168
9	Side Pole Impact Test	2019 - 2024	JPEG	KC003283 – KC003545
10	IIHS Test	2019 - 2024	JPEG	KC003546 – KC004031
11	Layout Drawing	2019 - 2024	PowerPoint	KC004032 – KC004033
12	IIHS Result	2019 - 2024	PowerPoint	KC004286
13	IIHS Results	2019 - 2024	PowerPoint	KC004287 – KC004291

15. The above referenced documents are the responsive documents I have located at this time that are not maintained by KC in PDF format or video file format that are applicable to this litigation.

16. Wherefore, I hereby declare, under penalty of perjury according to the laws of the United States of America and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this the 22<sup>nd</sup> day of October 2024, Korea Standard Time.

Do Gyun Kim  
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